IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7566 OF 2005

Nilesh Thorat .. Applicant
Versus
State of Maharashtra .. Respondent

Ms.Revati Mohite-Dere for applicant
Mr.R.Y.Mirza, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 8th December 2005.

P.C.

. Applicant is arrested in connection with C.R.No.16 of 2005 registered at Vishrantwadi Police Station, Pune for offences punishable under section 394 and 34 I.P.C. as well as sections 3 and 25 of Arms Act.

2. Complainant states that on 14th January 2005, he was directed to deliver a consignment of oil and he was also told by his Master to recover

some amount from the trader to whom oil was to be delivered. While complainant was returning along with helper with a sum of Rs.52,800/- at Pune Aundh road, three unknown persons came on motorcycle and overtook their vehicle. Out of three accused two came near the complainant and one of them assaulted complainant and robbed him of Rs.47,000/-. The other accused threatened the helper with a revolver and took away cash of Rs.5,000/-. Thereafter, all three accused went on the same motorcycle in the direction of Alandi. After five days of the incident i.e. on 19th January 2005 F.I.R. was lodged. Description of persons on motorcycle appears in the statement of complainant recorded on 19th January 2005. Complainant himself sets out a version that he lodged the complaint after some delay and more particularly, after his own Master suspected him. Further, the statement states that after the incident was reported in the newspaper that the complaint is lodged.

3. Applicant has been arrested on 24th February 2005 and thereafter forwarded to the Magistrate and detained in custody. Upon perusal of the said statement, it appears that as far as applicant is concerned, it has not been stated as to whether he assaulted the driver or whether he was carrying a revolver and threatened the helper. Three unknown persons are allegedly involved in the incident but it is not disputed that present applicant has not been identified as one of them. That apart, the only reason why the sessions Judge denies bail to applicant is that he is involved in number of robberies and decoities. Revolver which is allegedly used in the present incident is seized from the applicant when he was arrestred in connection with another C.R. registered with Manchar police station. It is on account of registration of said C.R. that the learned Judge found substance in the contention of the prosecution that enlarging such

person on bail would be endangering interest and security of people at large.

4. However, upon taking instructions from the I.O. who is present in Court, Mr.Mirza, A.P.P. confirms that applicant has been enlarged on bail in the case registered with Manchar Police Station. There are no other cases pending. Application very clearly states that the co-accused has been released on bail by the Sessions Court. Applicant is permanent resident of Pune. In the circumstances, following order:-

i) Applicant shall be enlarged on bail in connection with C.R.No.16 of 2005 registered with Vishrantwadi Police Station in the sum of Rs.10,000/- with one or two sureties in the like amount.

ii) Applicant shall report to Manchar Police station and Vishrantwadi police

station once in a fortnight till the trial is concluded between 5.00 p.m. and 7.00 p.m.

iii) Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Application is disposed of in the above terms.

vi) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)